

Title	Indian Child Welfare Act (amend Cal. Rules of Court, rule 1439; adopt new mandatory forms JV-130, JV-135, and ADOPT-226; and revise form ADOPT-225)
Summary	<p>These proposed new forms, revised form, and amended rule are designed to:</p> <ol style="list-style-type: none"> <li>1. Clarify that the Indian Child Welfare Act (ICWA) applies to all Indian children in foster care placement or at risk of entering foster care placement who are under the jurisdiction of a juvenile court;</li> <li>2. Clarify the notice procedures and content in juvenile court proceedings under ICWA;</li> <li>3. Provide notice procedures under ICWA in adoption proceedings under state law;</li> <li>4. Add an advisory committee comment to rule 1439 of the California Rules of Court to clarify the juvenile court's duty to ensure compliance with ICWA's notice provisions and the consequences of the court's failure to do so; and</li> <li>5. Clarify that the court may determine that ICWA does not apply to a juvenile court proceeding if no sufficient evidence is received after a reasonable amount of time following the giving of notice.</li> </ol>
Source	Family and Juvenile Law Advisory Committee Hon. Mary Ann Grilli and Hon. Susan D. Huguenor, Co-chairs
Staff	Christopher Wu, 415-865-7721, christopher.wu@jud.ca.gov
Discussion	<p>Numerous California appellate cases in recent years have discussed the procedure for adhering to the federal Indian Child Welfare Act (25 U.S.C. § 1901 et. seq.) in juvenile court proceedings. The proposed juvenile court forms and amendments to rule 1439 are needed to clarify the responsibilities of the juvenile court, the probation department, and the child welfare agency in cases that fall under ICWA and to ensure that notice to tribes meets ICWA's requirements and intent. Amendments to the rule are necessary to reflect ICWA's application to Indian children in foster care or at risk of entering foster care under the jurisdiction of the dependency and delinquency courts.</p> <p>The Indian Child Welfare Act requires specific notice procedures and content that, if not followed, may preclude juvenile court jurisdiction and may result in invalidation of the proceedings. Recent appellate decisions have found that the act's notice requirements have invalidated juvenile court orders when they have not been followed.</p>

See, for example, *In re Karla C.* (2003) 113 Cal.App.4th 166; *In re Samuel P.* (2002) 99 Cal.App.4th 1259; and *Dwayne P. v. Superior Court* (2002) 103 Cal.App.4th 247.

New forms JV-130, *Parental Notification of Indian Status (Juvenile Court)*, and JV-135, *Notice of Involuntary Child Custody Proceedings for an Indian Child (Juvenile Court)* and amendments to rule 1439(d)–(f) are intended to establish a consistent process for the court and investigating agencies to determine whether the child may be an Indian child and how further inquiry into the child’s Indian status and any notice of the proceedings required by the act should proceed. The committee seeks comment on proposed rule 1439(f)(6), which would permit the court to determine that the act does not apply to the case, but only if no determinative evidence is received within 60 days after notice is given.

New form ADOPT-226, *Notice of Adoption Proceedings for an Indian Child*, implements Senate Bill 947, which, effective January 1, 2004, requires that notice of adoption proceedings be given to any Indian tribe of which the prospective adoptive child is a member or may be eligible for membership.

Form ADOPT-225, *Parent of Indian Child Agrees to End Parental Rights*, would be revised to delete the item that currently allows a parent to indicate whether or not the parent desires that notice be given to an Indian tribe. An item would be added to ensure that the parent understands that any identified Indian tribe of which the child is a member or eligible for membership will be sent notice of the adoption proceeding. This change is required by SB 947, which added Family Code section 8620, effective January 1, 2004.

Both notice forms, JV-135 and ADOPT-226, are intended to provide sufficiently specific information about the child’s family to assist in the determination of the child’s Indian status, while conforming to the mandates of Assembly Bill 205, requiring the use of gender-neutral references to parents in public-use forms whenever possible.

Amendments to rule 1439(b) are intended to clarify the application of ICWA to cases involving Indian wards of the delinquency court who are ordered into foster care placement or at risk of entering foster care placement and to delineate the responsibilities of the court and probation department in those cases.

Several technical amendments are proposed to clarify the rule, such as replacing the word “shall” with more specific terms, such as “must” or “may” as appropriate. An advisory committee comment is added to emphasize the importance of following ICWA’s notice provisions.

### History of Proposal

The current proposal in part makes certain modifications to another proposal that circulated for comment in 2003 and was later withdrawn. The major differences between the current proposal and the 2003 proposal are:

1. A form for response to the notice to tribes and the Bureau of Indian Affairs was proposed as a convenience for the noticed entities to inform the court of their intentions. That form was omitted from the current proposal because it might imply that there are limitations on when or how a tribe may respond to the notice.
2. The 2003 proposal would have modified the definition of “Indian Child” to state that it does not include a child for whom the inquiry and notice under the act fails to elicit any information (for example, no response is received) suggesting that the child meets the definition of an Indian child. The section was intended to clarify that the court can make a determination that ICWA does not apply in that situation unless further evidence that the act applies is later received. The current proposal, rather than modify the definition of the term “Indian child,” allows the court to make a determination that the act does not apply to the case if no determinative response to a notice is received within a reasonable time but no less than 60 days after notice is given.
3. A new form, ADOPT-226, has been added to the proposal to conform practice in adoption cases to new Family Code section 8620, requiring notice to Indian tribes in specified cases.

The text of the proposed amended rule is attached at pages 5–9.

The proposed forms are attached at pages 10–24.

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Attachments

Rule 1439 of the California Rules of Court would be amended, effective January 1, 2005 to read:

**Rule 1439. Indian Child Welfare Act (25 U.S.C. § 1901 et seq.)**

**(a) [Definitions; 25 U.S.C. § 1903]** As used in this rule, unless the context or subject matter otherwise requires:

(1)–(2) \*\*\*

(3) “Indian custodian” means any Indian person who has:

(A) legal custody of an Indian child under tribal law or custom, or under state law; or

(B) temporary physical care, custody, and control of an Indian child whose parent or parents have transferred custody to that person.

(4) “Parent of an Indian child” means the biological parent of an Indian child or any Indian person who has lawfully adopted an Indian child, including adoptions under tribal law or custom. (This definition does not include a non-Indian adoptive parent, or an unwed alleged father where paternity has not been determined or acknowledged.)

(5) \*\*\*

(6) “Indian tribe” means any ~~Indian~~ tribe, band, nation, or other organized group or community of Indians eligible for services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaskan Native Villages as defined by section 1602(c) of title 43 of the United States Code.

(7)–(8) \*\*\*

(9) “Foster care placement” means any temporary placement from which a child may not be removed by the parent or Indian custodian upon demand, including a shelter care home, a foster home, or an institution, or the home of a guardian or conservator.

(10)–(12) \*\*\*

**(b) [Applicability of rule; 25 U.S.C. §§ 1911, 1912]** This rule applies to all proceedings under section 300 et seq. and to proceedings under section 601

1 and section 602 et seq. in which the child is at risk of entering foster care or is  
2 in foster care, including detention hearings, jurisdiction hearings, disposition  
3 hearings, reviews, hearings under section 366.26, and subsequent hearings  
4 affecting the status of the Indian child.  
5

6 **(c) [Jurisdiction; 25 U.S.C. § 1911]**  
7

8 (1) If the Indian child resides or is domiciled on an Indian reservation that  
9 exercises exclusive jurisdiction under the Act over child custody  
10 proceedings, the petition under section 300 must be dismissed. ~~At present~~  
11 ~~no California tribe is authorized under the Act to exercise exclusive~~  
12 ~~jurisdiction.~~  
13

14 (A) If the Indian child is temporarily off a reservation that exercises  
15 exclusive jurisdiction, the juvenile court ~~shall~~ must exercise  
16 temporary jurisdiction if there is an immediate threat of serious  
17 physical harm to the child.  
18

19 (B) Absent extraordinary circumstances, temporary emergency custody  
20 ~~shall~~ must terminate within 90 days, unless the court determines by  
21 clear and convincing evidence, including the testimony of at least  
22 one qualified expert witness, that return of the child is likely to cause  
23 serious damage to the child.  
24

25 (C) The child ~~shall~~ must be returned immediately to the parent or Indian  
26 custodian when the emergency placement is no longer necessary to  
27 prevent serious harm to the child.  
28

29 (2) If the Indian child is not domiciled or residing on a reservation that  
30 exercises exclusive jurisdiction, the tribe, parent, or Indian custodian may  
31 petition the court to transfer jurisdiction to the tribal jurisdiction, and the  
32 juvenile court ~~shall~~ must transfer jurisdiction to tribal jurisdiction unless  
33 there is good cause not to do so.  
34

35 (A)–(B) \*\*\*  
36

37 (3) If the tribe does not intervene or the tribal court does not request transfer  
38 to tribal jurisdiction, or if there is no response to the notice, the court  
39 should proceed to exercise its jurisdiction regarding the Indian child  
40 under section 300 et seq., in accordance with the procedures and  
41 standards of proof as required by the Act.  
42

1 (d) **[Inquiry]** The court, ~~and the county welfare department,~~ and the probation  
2 department have an affirmative and continuing duty to inquire whether a child  
3 for whom a petition under section 300, 601, or 602 is to be, or has been, filed  
4 is or may be an Indian child.  
5

6 (1) In juvenile wardship proceedings, if the probation officer believes that the  
7 child is at risk of entering foster care or is in foster care, he or she must  
8 ask the child, if the child is old enough, and the parents or legal guardians  
9 whether the child is an Indian child or has Indian ancestors. If, after such  
10 inquiry, the probation officer has reason to know that the child may be a  
11 member of or may be eligible for membership in a federally recognized  
12 Indian tribe or may be of Indian ancestry, then the probation officer must  
13 immediately notify the juvenile court by checking section 1m or 1n of the  
14 Juvenile Wardship Petition (JV-600) on either the initial or an amended  
15 petition.  
16

17 ~~(1)(2)~~ (2) In dependency cases, the social worker must ask the child, if the  
18 child is old enough, and the parents or legal guardians whether the child is  
19 an Indian child or has Indian ancestors. If, after such inquiry, the social  
20 worker has reason to know that the child may be a member of or may be  
21 eligible for membership in a federally recognized Indian tribe or may be  
22 of Indian ancestry, then the social worker must immediately notify the  
23 juvenile court by checking section 1l or 1m of the Juvenile Dependency  
24 Petition (Version One) (JV-100) or section 1i or 1j of the Juvenile  
25 Dependency Petition (Version Two) (JV-110) on either the initial or an  
26 amended petition. ~~must be checked if there is reason to know the child~~  
27 ~~may be a member of or eligible for membership in a federally recognized~~  
28 ~~Indian tribe or if there is reason to believe the child may be of Indian~~  
29 ~~ancestry.~~  
30

31 (3) At the first appearance by a parent or guardian in any dependency case, or  
32 in juvenile wardship proceedings in which the child is at risk of entering  
33 foster care or is in foster care, the parent must be ordered to complete  
34 form JV-130, Parental Notification of Indian Status.  
35

36 ~~(2)(4)~~ (4) The circumstances that may provide probable cause for the court to  
37 believe the child is an Indian child include, but are not limited to, the  
38 following:  
39

40 (A) A ~~party~~ person having an interest in the child, including the child, an  
41 Indian tribe, an Indian organization, an officer of the court, or a  
42 public or private agency, informs the court or the county welfare  
43 agency or the probation department or provides information

1 suggesting that the child is an Indian child;

2  
3 (B) The residence of the child, the child's parents, or an Indian custodian  
4 is in a predominantly Indian community; or

5  
6 (C) The child or the child's family has received services or benefits from  
7 a tribe or services that are available to Indians from tribes or the  
8 federal government, such as the Indian Health Service.  
9

10 (e) [Proceedings; 25 U.S.C. § 1912]

11  
12 (1) If section 1l of the *Juvenile Dependency Petition Version One* (JV-100) or  
13 section 1i of the *Juvenile Dependency Petition Version Two* (JV-110) or  
14 section 1m of the Juvenile Wardship Petition (JV-600) is checked, or if,  
15 upon inquiry, or based on other information, the court has reason to know  
16 the child may be an Indian child, the court ~~shall~~ must proceed as if the  
17 child is were an Indian child and ~~shall~~ must proceed with all dependency  
18 and wardship hearings, observing the Welfare and Institutions Code  
19 timelines while complying with the Act and this rule.  
20

21 (A) A determination by the identified tribe or tribes ~~or the Bureau of~~  
22 ~~Indian Affairs (BIA)~~ that the child is or is not an Indian child ~~shall~~  
23 be is definitive.  
24

25 (B) If no particular tribe can be reasonably identified, a determination by  
26 the Bureau of Indian Affairs (BIA) that the child is not an Indian  
27 child is definitive.  
28

29 (2) If section 1m of the *Juvenile Dependency Petition (Version One)* (JV-  
30 100) is checked and section 1l is not, or section 1j of the *Juvenile*  
31 *Dependency Petition (Version Two)* (JV-110) is checked and section 1i is  
32 not, or if section 1n of the Juvenile Wardship Petition (JV-600) is  
33 checked and section 1m of the Juvenile Wardship Petition is not, notice of  
34 the proceedings to the Bureau of Indian Affairs and further inquiry  
35 regarding the possible Indian status of the child are the only requirements.  
36

37 (f) [Notice; 25 U.S.C. § 1912] The parent or legal guardian and Indian custodian  
38 of an Indian child, and the Indian child's tribe, must be notified of the pending  
39 petition and the right of the tribe to intervene in the proceedings, and proof of  
40 such notice, including copies of notices sent and all return receipts received,  
41 must be filed with the juvenile court. If at any time after the filing of the  
42 petition the court knows or has reason to know that the child is or may be an  
43 Indian child, the following notice procedures must be followed:

- 1  
2 (1) Notice of Involuntary Child Custody Proceedings for an Indian Child  
3 (JV-135) must be sent, with a copy of the petition, by registered or  
4 certified mail with return receipt requested, and additional notice by  
5 first class mail is recommended.  
6  
7 (2) Notice to the tribe ~~shall~~ must be to the tribal chairman ~~man~~ person unless  
8 the tribe has designated another agent for service.  
9  
10 (3) Notice ~~shall~~ must be sent to all tribes of which the child may be a  
11 member or may be eligible for membership.  
12  
13 (4) If the identity or location of the parent or Indian custodian or the tribe  
14 cannot be determined, notice ~~shall~~ must be sent to the specified office  
15 of the Secretary of the Interior, which has 15 days to provide notice as  
16 required.  
17  
18 (5) Notice ~~shall~~ must be sent whenever there is reason to believe the child  
19 may be an Indian child, and for every hearing thereafter unless and  
20 until it is determined that the ~~child is not an Indian child~~ act does not  
21 apply to the case.  
22  
23 (6) If, after a reasonable time following the giving of notice under this  
24 rule, but in no event less than 60 days, no determinative response to  
25 the notice is received, the court may determine that the act does not  
26 apply to the case unless further evidence of the applicability of the act  
27 is later received.  
28  
29

30 (g)–(p) \*\*\*  
31  
32

**Advisory Committee Comment (2005)**

33 As of January 1, 2004, only the Washoe Tribe of Nevada and California is authorized under the  
34 act to exercise exclusive jurisdiction. An updated list of tribes authorized to exercise exclusive  
35 jurisdiction can be found on the Web site of the Administrative Office of the Courts, Center for Families,  
36 Children & the Courts at [www.courtinfo.ca.gov/programs/cfcc](http://www.courtinfo.ca.gov/programs/cfcc).



**To the parent or guardian of the above-named child: you are required to provide the information requested below regarding the child's Indian status. In the event that new information becomes available that would change your response, you must inform your attorney and the social worker or probation officer immediately and an updated form must be filed with the court.**

1. Name:
2. Relationship to child:
3. ☐ I am a member of, or eligible for membership in, a federally recognized Indian tribe.

Name of tribe (*name each*): \_\_\_\_\_

☐ I have Indian ancestry.

☐ The child is a member of, or eligible for membership in, a federally recognized Indian tribe.

Name of tribe (*name each*): \_\_\_\_\_

4. A previous form JV-130 ☐ has ☐ has not been filed with the court.

Date:

(TYPE OR PRINT NAME)

(Signature)

**Note: This form is not intended to constitute a complete inquiry into Indian heritage. Further inquiry may be required by the Indian Child Welfare Act.**

☐ Parent      ☐ Tribe      ☐ Indian Custodian      ☐ Bureau of Indian Affairs (BIA)

- Based on a petition filed (date): \_\_\_\_\_, the child has been temporarily placed in the custody of the county welfare department, probation department, or Indian custodian named below:

3. County welfare department (address):

4. Probation department (*address*):

5. Indian custodian (*name each*):

Tribe (*name each*):

6. Name of social worker or probation officer:

Telephone number:

E-mail address:

## HEARING INFORMATION

7. Date of next hearing: Dept: Time: Type of hearing:

☐ Located at above address      ☐ Other:

CASE NAME: _____	CASE NUMBER:
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**8. UNDER THE INDIAN CHILD WELFARE ACT:**

1. The biological or adoptive parents, any Indian custodian, and the child's tribe have the right to be present at all hearings.
2. The biological or adoptive parents, any Indian custodian, and the child's tribe have the right to intervene in the proceedings.
3. If the parents or custodians have a right to be represented by a lawyer and if they cannot afford to hire one, a lawyer will be appointed for them.
4. If the child's tribe, any parent, or any Indian custodian requests it, the court will permit the hearing to be held up to 20 days after receipt of this notice.
5. The date, time, and place of the hearing are on the first page of this form.
6. If the tribe has a tribal court, the tribe, any parent, or any Indian custodian of the child may request a transfer of the case to the child's tribal court. They also have the right to refuse to have the case transferred to the tribal court.
7. The proceedings could lead to the removal of the child from the custody of the parent or Indian custodian and possible adoption of the child.
8. Juvenile court proceedings are confidential. Information concerning the juvenile court proceedings should be kept confidential.

**INFORMATION ON CHILD WHO IS THE SUBJECT OF AN INVOLUNTARY CUSTODY PROCEEDING**  
*(Indicate if any of the information requested below is unknown or nonapplicable.)*

***Attach any information that might be of assistance in determining the child's Indian status, including names and addresses of extended family members who may have Indian heritage.***

<input type="checkbox"/> Mother <input type="checkbox"/> Father	<input type="checkbox"/> Mother <input type="checkbox"/> Father
Name (include maiden, married, and former or aliases):	Name (include maiden, married, and former or aliases):
Birthdate and place:	Birthdate and place:
Tribe, band, and location:	Tribe, band, and location:
If available, provide enrollment number or BIA/tribal agency:	If available, provide enrollment number or BIA/tribal agency:
Place of death:	Place of death:
Additional information:	Additional information:

CASE NAME:  _____	CASE NUMBER:  
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**INFORMATION ON CHILD WHO IS THE SUBJECT OF AN INVOLUNTARY CHILD CUSTODY PROCEEDING**  
*(Indicate if any of the information requested below is unknown or nonapplicable.)*

<input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> Grandmother <input type="checkbox"/> Grandfather	<input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> Grandmother <input type="checkbox"/> Grandfather
Name <i>(include maiden, married, and former or aliases)</i> :	Name <i>(include maiden, married, and former or aliases)</i> :
Birthdate and place:	Birthdate and place:
Tribe, band, and location:	Tribe, band, and location:
If available, provide enrollment number or BIA/tribal agency:	If available, provide enrollment number or BIA/tribal agency:
Place of death:	Place of death:
Additional information:	Additional information:
<input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> Grandmother <input type="checkbox"/> Grandfather	<input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> Grandmother <input type="checkbox"/> Grandfather
Name <i>(include maiden, married, and former or aliases)</i> :	Name <i>(include maiden, married, and former or aliases)</i> :
Birthdate and place:	Birthdate and place:
Tribe, band, and location:	Tribe, band, and location:
If available, provide enrollment number or BIA/tribal agency:	If available, provide enrollment number or BIA/tribal agency:
Place of death:	Place of death:
Additional information:	Additional information:

CASE NAME:  _____	CASE NUMBER:  
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**INFORMATION ON CHILD WHO IS THE SUBJECT OF AN INVOLUNTARY CHILD CUSTODY PROCEEDING**  
*(Indicate if any of the information requested below is unknown or nonapplicable.)*

<input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> Great-grandmother <input type="checkbox"/> Great-grandfather	<input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> Great-grandmother <input type="checkbox"/> Great-grandfather
Name <i>(include maiden, married, and former or aliases)</i> :	Name <i>(include maiden, married, and former or aliases)</i> :
Birthdate and place:	Birthdate and place:
Tribe, band, and location:	Tribe, band, and location:
If available, provide enrollment number or BIA/tribal agency:	If available, provide enrollment number or BIA/tribal agency:
Place of death:	Place of death:
Additional information:	Additional information:
<input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> Great-grandmother <input type="checkbox"/> Great-grandfather	<input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> Great-grandmother <input type="checkbox"/> Great-grandfather
Name <i>(include maiden, married, and former or aliases)</i> :	Name <i>(include maiden, married, and former or aliases)</i> :
Birthdate and place:	Birthdate and place:
Tribe, band, and location:	Tribe, band, and location:
If available, provide enrollment number or BIA/tribal agency:	If available, provide enrollment number or BIA/tribal agency:
Place of death:	Place of death:
Additional information:	Additional information:

CASE NAME:  	CASE NUMBER:  
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**INFORMATION ON CHILD WHO IS THE SUBJECT OF AN INVOLUNTARY CUSTODY PROCEEDING**  
*(Indicate if any of the information requested below is unknown or nonapplicable.)*

9. ☐ Birth father is named on birth certificate.
10. ☐ Birth father has acknowledged paternity.
11. ☐ There has been a judicial declaration of paternity.
12. ☐ Other alleged father (*name each*):

**The following questions may be helpful in tracing the ancestry of any person alleging Indian descent.**

13. Have you or any of members of your family ever:

- a. Attended an Indian school? ☐ Yes ☐ No

Name/relationship	Type of school	Dates attended	Location of school

- b. Received medical treatment at an Indian health clinic or U.S. Public Health Service hospital? ☐ Yes ☐ No

Name/relationship	Type of treatment	Dates treatment received	Location where treatment received

- c. Lived on federal trust land, a reservation or rancheria, or an allotment? ☐ Yes ☐ No

Name/relationship	Name and address	Dates

14. Tribal affiliation and location (*Check any that apply*).

- a. ☐ 1906 Final Roll      Name of relative: \_\_\_\_\_

The 1906 Final Roll was prepared by the Dawes Commission. Individuals who allege to be of Chickasaw, Creek, or Seminole ancestry from Oklahoma must provide the name of a relative is listed in this final roll.

- b. ☐ Roll of 1924      Name of relative: \_\_\_\_\_

The Roll of 1924 relates to the Eastern Band of Cherokees who were from states other than Oklahoma (such as North Carolina, Georgia, Mississippi, or another southeastern state). Individuals who allege to be of Eastern Cherokee descent must provide the name of a relative listed on the Roll of 1924.

- c. ☐ California Judgment Roll      Role number, if available: \_\_\_\_\_

CASE NAME:  	CASE NUMBER:  
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### CERTIFICATE OF MAILING

**(To be completed by social worker, probation officer, or clerk of juvenile court)**

I certify that I am not a party to this cause and that an endorsed-filed copy of the *Notice of Involuntary Child Custody Proceedings for an Indian Child*, with a copy of the petition, was mailed as follows. Each copy was enclosed in an envelope with postage for registered or certified mail, return receipt requested, fully prepaid. The envelopes were addressed to each person, tribe, or bureau as indicated below. Each envelope was sealed and deposited with the United States Postal Service at (*place*):  
on (*date*):

Date:

Title:

Department:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE)

**This form and any return receipts must be filed with the court.**

List all persons, tribes, or agencies provided notice with the full mailing address (*attach extra sheets if necessary*):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY  <div style="text-align: center; font-size: 24pt; font-weight: bold;">DRAFT 5</div> <div style="text-align: center; font-size: 24pt; font-weight: bold;">03/15/04</div> <div style="text-align: center; font-size: 24pt; font-weight: bold;">lh</div>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS:  MAILING ADDRESS:  CITY AND ZIP CODE:  BRANCH NAME:	
CASE NAME:	
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%; text-align: center;"><b>NOTICE OF ADOPTION PROCEEDINGS FOR AN INDIAN CHILD</b></div> <div style="width: 35%;">CASE NUMBER:</div> </div>	

**NOTICE TO (check all that apply):**

☐ Parent
 ☐ Tribe
 ☐ Indian Custodian

1. a. Child's name:  
 b. Date of birth:  
 c. Place of birth (city, state, and, if applicable, reservation):
2. Child is reported to be eligible for the following tribe or band (name each):
3. Name of sending organization:  
 Address:

☐ County welfare department
 ☐ Adoption agency
 ☐ Adoption service provider

4. Indian custodian (name each):  
 Tribe (name each):

5. Name of social worker or service provider:  
 Address:

Telephone number:  
 E-mail address:

**HEARING INFORMATION**

6. Date of next hearing:	Dept:	Time:	Type of hearing:
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☐ Located at above address
 ☐ Other:



CASE NAME: _____	CASE NUMBER:
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**7. UNDER THE INDIAN CHILD WELFARE ACT AND CALIFORNIA LAW:**

1. The biological or adoptive parents, any Indian custodian, and the child's tribe have the right to be present at all hearings.
2. The biological or adoptive parents, any Indian custodian, and the child's tribe have the right to intervene in the proceedings.
3. If the parents or custodians have a right to be represented by a lawyer and if they cannot afford to hire one, a lawyer will be appointed for them.
4. The date, time, and place of the hearing are on the first page of this form.
5. The recipient of this notice is requested to provide confirmation of the child's Indian status to the social worker or service provider listed in item 5 on page 1.
6. If all other notices required by law have been provided to an Indian tribe, the Indian tribe receiving the prior notices is encouraged to provide notice to the department of social services and to the licensed adoption agency or adoption service provider no later than five calendar days prior to the date of the final adoption hearing, indicating whether or not it intends to intervene in the proceeding, either on its own behalf or on behalf of a tribal member who is a relative of the child.

**INFORMATION ON CHILD WHO IS THE SUBJECT OF AN ADOPTION PROCEEDING**  
*(Indicate if any of the information requested below is unknown or nonapplicable.)*

***Attach any information that might be of assistance in determining the child's Indian status, including names and addresses of extended family members who may have Indian heritage.***

<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Mother	<input type="checkbox"/> Father
Name <i>(include maiden, married, and former or aliases)</i> :		Name <i>(include maiden, married, and former or aliases)</i> :	
Birthdate and place:		Birthdate and place:	
Tribe, band, and location:		Tribe, band, and location:	
If available, provide enrollment number or BIA/tribal agency:		If available, provide enrollment number or BIA/tribal agency:	
Place of death:		Place of death:	
Additional information:		Additional information:	

CASE NAME:  	CASE NUMBER:  
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**INFORMATION ON CHILD WHO IS THE SUBJECT OF AN ADOPTION PROCEEDING**  
*(Indicate if any of the information requested below is unknown or nonapplicable.)*

<div style="display: flex; justify-content: space-between;"> <div style="text-align: left;"> <input type="checkbox"/> Maternal  <input type="checkbox"/> Grandmother         </div> <div style="text-align: left;"> <input type="checkbox"/> Paternal  <input type="checkbox"/> Grandfather         </div> </div>	<div style="display: flex; justify-content: space-between;"> <div style="text-align: left;"> <input type="checkbox"/> Maternal  <input type="checkbox"/> Grandmother         </div> <div style="text-align: left;"> <input type="checkbox"/> Paternal  <input type="checkbox"/> Grandfather         </div> </div>
Name <i>(include maiden, married, and former or aliases)</i> :	Name <i>(include maiden, married, and former or aliases)</i> :
Birthdate and place:	Birthdate and place:
Tribe, band, and location:	Tribe, band, and location:
If available, provide enrollment number or BIA/tribal agency:	If available, provide enrollment number or BIA/tribal agency:
Place of death:	Place of death:
Additional information:	Additional information:
<div style="display: flex; justify-content: space-between;"> <div style="text-align: left;"> <input type="checkbox"/> Maternal  <input type="checkbox"/> Grandmother         </div> <div style="text-align: left;"> <input type="checkbox"/> Paternal  <input type="checkbox"/> Grandfather         </div> </div>	<div style="display: flex; justify-content: space-between;"> <div style="text-align: left;"> <input type="checkbox"/> Maternal  <input type="checkbox"/> Grandmother         </div> <div style="text-align: left;"> <input type="checkbox"/> Paternal  <input type="checkbox"/> Grandfather         </div> </div>
Name <i>(include maiden, married, and former or aliases)</i> :	Name <i>(include maiden, married, and former or aliases)</i> :
Birthdate and place:	Birthdate and place:
Tribe, band, and location:	Tribe, band, and location:
If available, provide enrollment number or BIA/tribal agency:	If available, provide enrollment number or BIA/tribal agency:
Place of death:	Place of death:
Additional information:	Additional information:

CASE NAME:  	CASE NUMBER:  
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**INFORMATION ON CHILD WHO IS THE SUBJECT OF AN ADOPTION PROCEEDING**  
*(Indicate if any of the information requested below is unknown or nonapplicable.)*

<input type="checkbox"/> <b>Maternal</b> <input type="checkbox"/> <b>Great-grandmother</b>	<input type="checkbox"/> <b>Paternal</b> <input type="checkbox"/> <b>Great-grandfather</b>
Name <i>(include maiden, married, and former or aliases)</i> :	Name <i>(include maiden, married, and former or aliases)</i> :
Birthdate and place:	Birthdate and place:
Tribe, band, and location:	Tribe, band, and location:
If available, provide enrollment number or BIA/tribal agency:	If available, provide enrollment number or BIA/tribal agency:
Place of death:	Place of death:
Additional information:	Additional information:
<input type="checkbox"/> <b>Maternal</b> <input type="checkbox"/> <b>Great-grandmother</b>	<input type="checkbox"/> <b>Paternal</b> <input type="checkbox"/> <b>Great-grandfather</b>
Name <i>(include maiden, married, and former or aliases)</i> :	Name <i>(include maiden, married, and former or aliases)</i> :
Birthdate and place:	Birthdate and place:
Tribe, band, and location:	Tribe, band, and location:
If available, provide enrollment number or BIA/tribal agency:	If available, provide enrollment number or BIA/tribal agency:
Place of death:	Place of death:
Additional information:	Additional information:

CASE NAME:  	CASE NUMBER:  
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**INFORMATION ON CHILD WHO IS THE SUBJECT OF AN ADOPTION PROCEEDING**  
*(Indicate if any of the information requested below is unknown or nonapplicable.)*

9. ☐ Birth father is named on birth certificate.
10. ☐ Birth father has acknowledged paternity.
11. ☐ There has been a judicial declaration of paternity.
12. ☐ Other alleged father (*name each*):

**The following questions may be helpful in tracing the ancestry of any person alleging Indian descent.**

13. Have you or any of members of your family ever:

- a. Attended an Indian school? ☐ Yes ☐ No

Name/relationship	Type of school	Dates attended	Location of school

- b. Received medical treatment at an Indian health clinic or U.S. Public Health Service hospital? ☐ Yes ☐ No

Name/relationship	Type of treatment	Dates treatment received	Location where treatment received

- c. Lived on federal trust land, a reservation or rancheria, or an allotment? ☐ Yes ☐ No

Name/relationship	Name and address	Dates

14. Tribal affiliation and location (*Check any that apply*).

- a. ☐ 1906 Final Roll      Name of relative: \_\_\_\_\_

The 1906 Final Roll was prepared by the Dawes Commission. Individuals who allege to be of Chickasaw, Creek, or Seminole ancestry from Oklahoma must provide the name of a relative is listed in this final roll.

- b. ☐ Roll of 1924      Name of relative: \_\_\_\_\_

The Roll of 1924 relates to the Eastern Band of Cherokees who were from states other than Oklahoma (such as North Carolina, Georgia, Mississippi, or another southeastern state). Individuals who allege to be of Eastern Cherokee descent must provide the name of a relative listed on the Roll of 1924.

- c. ☐ California Judgment Roll      Role number, if available: \_\_\_\_\_

CASE NAME:  	CASE NUMBER:  
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### CERTIFICATE OF MAILING

**(To be completed by social worker, probation officer, or clerk of juvenile court)**

I certify that I am not a party to this cause and that an endorsed-filed copy of the *Notice of Adoption Proceedings for an Indian Child*, with a copy of the adoption, was mailed as follows. Each copy was enclosed in an envelope with postage for registered or certified mail, return receipt requested, fully prepaid. The envelopes were addressed to each person, tribe, or bureau as indicated below. Each envelope was sealed and deposited with the United States Postal Service at *(place)*: on *(date)*:

Date:

Title:

Department:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE)

**This form and any return receipts must be filed with the court.**

List all persons, tribes, or agencies provided notice with the full mailing address *(attach extra sheets if necessary)*:

**ADOPT-225****Parent of Indian Child Agrees  
to End Parental Rights**

Clerk stamps below when form is filed.

**1** I want my child to be adopted by *(name(s))*:

a. \_\_\_\_\_

b. \_\_\_\_\_

Their relationship to Indian child: *(Check all that apply)*☐ Related to child *(specify)*: \_\_\_\_\_☐ Members of child's tribe ☐ Indian parents☐ None of the above**2** The parent(s) in **1** ☐ meet ☐ do not meet the placement preference requirements of the Indian Child Welfare Act.**3** Indian child *(name)*: \_\_\_\_\_

Date of birth: \_\_\_\_\_ Age: \_\_\_\_\_

Child's tribe(s): \_\_\_\_\_

Enrollment #: \_\_\_\_\_

☐ Check here if you do not know the enrollment #.**4** Your name: \_\_\_\_\_☐ Mother ☐ Father *(Check only one. Each parent fills out a separate form.)*Your address *(skip this if you have a lawyer)*:  
\_\_\_\_\_  
\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_ Your tribe(s): \_\_\_\_\_ Enrollment #: \_\_\_\_\_

☐ Check here if you do not know the enrollment #.Your lawyer *(if you have one)*: *(Name, address, phone #, and State Bar #)*:  
\_\_\_\_\_  
\_\_\_\_\_**5** I am the parent in **4** and I understand and say:

a. I agree to give up my parental rights.

b. I agree to the adoption of my child by the parent(s) listed in **1**.

c. I understand what will happen when I sign this form.

d. No one has threatened me or made promises to me to get me to sign this form.

e. I understand that until the judge signs an Adoption Order (ADOPT-215) or an order to end my parental rights, I can change my mind and my child will be returned to me.

f. I want the court to let me know if the adoption is canceled so I can ask the court to give custody of my child back to me. The court will give the custody of my child back to me if the judge decides it is in my child's best interest.

g. I do not give up any of my rights under the Indian Child Welfare Act by signing this form.

h. My child was at least 10 days old when I signed this form.

i. I understand that notice of the adoption request will be sent to any Indian tribe of which my child may be a member or eligible for membership.

**DRAFT 3**  
**03/15/04 mc**

Court name and street address:

**Superior Court of California, County of****Case Number:**

Case Number:

Your name: \_\_\_\_\_

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At the time of signing this form, I do not live and am not domiciled on an Indian reservation.

Date: \_\_\_\_\_

*Type or print your name*

\_\_\_\_\_  
*Signature of Indian Parent*

**Judge's Certification**

I, Judge \_\_\_\_\_,

Superior Court of California, County of \_\_\_\_\_, certify:

- ☐ This form was completed in writing and recorded before me.
- ☐ I fully explained the terms and consequences to *(name of parent)*: \_\_\_\_\_
- ☐ The parent fully understood the terms and consequences.
- ☐ The parent speaks English or used an interpreter at the hearing.

Certified:

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judge (or Judicial Officer)*